

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HENRY SHATKIN, on behalf of himself and
all others similarly situated,

Plaintiff,

V.

THE BANK OF NEW YORK MELLON
CORPORATION and THE BANK OF NEW
YORK,

Defendants.

ECF Case

Civil No. 07 Civ. 7928 (PAC)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of Defendants' Motion to Dismiss or, In The Alternative, to Stay, and the Declaration of Hector Gonzalez that accompanies this Notice and the exhibits annexed thereto, and all papers and pleadings previously filed herein, Defendants The Bank of New York Mellon Corporation and The Bank of New York, by their undersigned counsel, will move this Court at the United States Courthouse, 500 Pearl Street, New York, New York, before the Honorable Paul A. Crotty, United States District Judge, (i) for an Order pursuant to Rule 12(b)(6) and Rule 21 of the Federal Rules of Civil Procedure granting Defendants' motion to dismiss, (ii) in the alternative, for an Order granting Defendants' motion for a stay, and (iii) for such other and further relief as this Court deems just and proper.

Dated: February 29, 2008

Respectfully submitted,

/s/ Hector Gonzalez

Hector Gonzalez

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